

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Morey L. Sear
United States District Court
Eastern District of Louisiana

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States District Court
Western District of Tennessee

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
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August 15, 2001

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. §1407.

DATE OF HEARING SESSION: October 4, 2001

LOCATION OF HEARING SESSION: Edward J. Schwartz Federal Building
Ceremonial Courtroom No. 1, 4th Floor
940 Front Street
San Diego, CA 92101

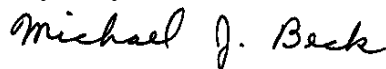
TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** to request the amount of time desired by each for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **September 17, 2001**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,



Michael J. Beck
Clerk of the Panel

c: Clerk, U.S. District Court for the Southern District of California

AUG. 15, 2001

MICHAEL J. BECK
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

***WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, MOREY L. SEAR,
BRUCE M. SELYA, JULIA SMITH GIBBONS, D. LOWELL JENSEN, AND J.
FREDERICK MOTZ, JUDGES OF THE PANEL***

HEARING SESSION ORDER

IT IS ORDERED that on October 4, 2001, a hearing session will be held in San Diego, California, to consider the matters on the attached Schedule under 28 U.S.C. §1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
October 4, 2000 -- San Diego, California

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-926 -- In re Silicone Gel Breast Implants Products Liability Litigation

Opposition of defendant Minnesota Mining & Manufacturing Company (3M) to remand of the following action to the United States District Court for the Northern District of Texas:

Northern District of Alabama

June Wood, et al. v. McGhan Medical Corp., et al., C.A. No. 2:00-10016
(N.D. Texas C.A. No. 3:00-469)

MDL-997 -- In re Brand-Name Prescription Drugs Antitrust Litigation

Opposition of defendants Ciba-Geigy Corporation, Sandoz Pharmaceuticals Corporation, Novartis Pharmaceuticals Corporation, Abbott Laboratories, American Home Products Corporation, Bristol-Myers Squibb Company, Eli Lilly and Company, G.D. Searle & Company, Glaxo Wellcome Inc., Hoechst Marion Roussel, Hoffmann-LaRoche Inc., Johnson & Johnson, Knoll Pharmaceutical Company, Merck & Company, Inc., Pharmacia & Upjohn Company, Pfizer Inc., The Purdue Frederick Company, Rhone-Poulenc Rorer, Inc., Schering-Plough Corporation, SmithKline Beecham Corporation, Warner-Lambert Company, and Zeneca Inc. to separation and remand of the Sherman Act Claims in the actions listed on Attachment A from the United States District Court for the Northern District of Illinois to their respective transferor courts.

MDL-1321 -- In re MasterCard International, Inc., Internet Gambling Litigation

Opposition of plaintiffs Lisa J. Crocker, et al., to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

Southern District of Illinois

Lisa J. Crocker, et al. v. Cedric Dempsey, et al., C.A. No. 3:01-303

MDL-1420 -- In re Deutsche Telekom AG Securities Litigation

Motion of plaintiff Helen Feitell for centralization of the following actions in the United States District Court for the Eastern District of New York:

Eastern District of New York

Helen Feitell v. Deutsche Telekom AG, et al., C.A. No. 1:00-7178

Southern District of New York

In re Deutsche Telekom AG Securities Litigation, C.A. No. 1:00-9475

Ronald Offner v. Deutsche Telekom AG, et al., C.A. No. 1:00-9557

Horizon International, LLC v. Deutsche Telekom AG, et al., C.A. No. 1:00-9571

Hans Lahmann v. Deutsche Telekom AG, et al., C.A. No. 1:00-9640

Michael Feibelman v. Deutsche Telekom AG, et al., C.A. No. 1:01-82

Sara W. Resh v. Deutsche Telekom AG, et al., C.A. No. 1:01-146

Marlene Sackheim v. Deutsche Telekom AG, et al., C.A. No. 1:01-719

MDL-1421-- In re Wireless Telephone Radio Frequency Emissions Products Liability Litigation

Motion of defendants Verizon Communications, Inc., Motorola Corporation, Cingular Wireless LLC, Sprint Corporation, and Philips Corporation for centralization of the following actions in the United States District Court for the District of Maryland or the United States District Court for the Eastern District of Louisiana:

Eastern District of Louisiana

Garrett J. Naquin, et al. v. Nokia Mobile Phones, Inc., et al., C.A. No. 2:00-2023

District of Maryland

J. Douglas Pinney, M.D., et al. v. Nokia Inc., et al., C.A. No. 1:01-1456

MDL-1421 (Continued)

Southern District of New York

Crystal Gilliam, et al. v. Nokia Inc., et al., C.A. No. 1:01-4275

Eastern District of Pennsylvania

Francis J. Farina v. Nokia Inc., et al., C.A. No. 2:01-2477

MDL-1422 -- In re Waste Management, Inc., Securities Litigation

Motion of defendant Waste Management, Inc., for centralization of the following actions
in the United States District Court for the Southern District of Texas:

District of Delaware

Willard Miller, et al. v. Waste Management, Inc., et al., C.A. No. 1:00-702

Eastern District of Michigan

Peter J. Rosewig, et al. v. Waste Management, Inc., et al., C.A. No. 2:01-72223

Southern District of Texas

In re Waste Management Inc. Securities Litigation, C.A. No. 4:99-2183

Florida State Board of Administration v. Waste Management, Inc., et al.,
C.A. No. 4:01-984

MDL-1423 -- In re Cygnus Telecommunications Technology, LLC, Patent Litigation

Motion, as amended, of plaintiff Cygnus Telecommunications Technology, LLC, for centralization of the following actions in the United States District Court for the Northern District of California:

Central District of California

Cygnus Telecommunications Technology, LLC v. Cognigen Networks, Inc.,
C.A. No. 2:01-5943
Cygnus Telecommunications Technology, LLC v. Dial-Thru International,
C.A. No. 2:01-6052

Northern District of California

Cygnus Telecommunications Technology, LLC v. TotalAxxess.com, Inc.,
C.A. No. 5:01-20565

Northern District of Illinois

Cygnus Telecommunications Technology, LLC v. WorldPort Communications, Inc., et al., C.A. No. 1:01-4251

Western District of Washington

Cygnus Telecommunications Technology, LLC v. International Telecom, Ltd., et al.,
C.A. No. 2:01-1158

MDL-1424 -- In re Delta Air Lines, Inc., "ERISA" Litigation

Motion of plaintiff Robert D. Berger for centralization of the following actions in the United States District Court for the Eastern District of New York:

Central District of California

James B. Porter v. Delta Air Lines, Inc., et al., C.A. No. 2:01-4695

MDL-1424 (Continued)

Northern District of Georgia

Darrell G. Aschbacher, et al. v. Delta Pilots Retirement Plan, et al.,
C.A. No. 1:00-2127

District of Massachusetts

William G. Macaulay v. Delta Air Lines, Inc., et al., C.A. No. 1:01-10922

District of New Mexico

Ann Braun Goldfein, etc. v. Delta Airlines, Inc., et al., C.A. No. 1:01-587

Eastern District of New York

Robert D. Berger v. Delta Air Lines, Inc., et al., C.A. No. 1:01-2877

Southern District of Ohio

Samuel O. Gamble v. Delta Air Lines, Inc., et al., C.A. No. 1:01-376

MDL-1425 -- In re Aimster Copyright Litigation

Motion of plaintiffs Atlantic Recording Corporation, et al., for centralization of the following actions in the United States District Court for the Southern District of New York:

Central District of California

Columbia Pictures Industries, Inc., et al. v. John A. Deep, et al., C.A. No. 2:01-5648

Northern District of New York

BuddyUSA, Inc. v. Recording Industry Association of America, Inc., et al.,
C.A. No. 1:01-631

AbovePeer, Inc. v. Recording Industry Association of America, Inc., et al.,
C.A. No. 1:01-632

MDL-1425 (Continued)

Northern District of New York (Continued)

AbovePeer, Inc. v. Zomba Recording Corp., et al., C.A. No. 1:01-809

AbovePeer, Inc. v. Motion Picture Association of America, et al.,

C.A. No. 1:01-810

AbovePeer, Inc. v. Acuff-Rose Music Publishing, Inc., et al., C.A. No. 1:01-811

Southern District of New York

Zomba Recording Corp., et al. v. John Deep, et al., C.A. No. 1:01-4452

Atlantic Recording Corp., et al. v. AbovePeer, Inc., et al., C.A. No. 1:01-4460

Jerry Leiber, et al. v. AbovePeer, Inc., et al., C.A. No. 1:01-5901

MDL-1426 -- In re Automotive Refinishing Paint Antitrust Litigation

Motion of plaintiffs Car Color & Auto Body Supply Ltd., Golden Motors, Inc., Randall Boltz, Sajon Investments, Inc., and Howard J. Walters for centralization of certain of the following actions in the United States District Court for the Eastern District of Pennsylvania; motion of plaintiffs Peter Sahagian, Grant Park Garage L.L.C., Sid Kaprelian, et al., Affordable Auto Body Carstar, Inc., John Sahagian, Anthony Koey, and Stephen Wilson for centralization of certain of the following actions in the United States District Court for the Western District of Pennsylvania; and motion of plaintiff AARC Distributors Inc. for centralization of the following actions in the United States District Court for the District of Delaware:

District of Delaware

AARC Distributors Inc. v. E.I. DuPont De Nemours & Co., et al.,

C.A. No. 1:01-448

District of New Jersey

Autobody by Caldwell, Inc. v. PPG Industries, Inc., et al., C.A. No. 2:01-2898

MDL-1426 (Continued)

Eastern District of Pennsylvania

Car Color & Auto Body Supply Ltd. v. PPG Industries, Inc., et al.,
C.A. No. 2:01-2830
Golden Motors, Inc. v. PPG Industries, Inc., et al., C.A. No. 2:01-2906
Charles Lessard v. PPG Industries, Inc., et al., C.A. No. 2:01-2983
Randall Boltz v. PPG Industries, Inc., et al., C.A. No. 2:01-3020
Yuri Shneyder v. PPG Industries, Inc., et al., C.A. No. 2:01-3105
Sajon Investments, Inc. v. PPG Industries, Inc., et al., C.A. No. 2:01-3174
Howard J. Walters v. PPG Industries, Inc., et al., C.A. No. 2:01-3206
Mark Sharone v. Sherwin-Williams Co., et al., C.A. No. 2:01-3226
Nicastro Industries, Inc. v. Sherwin-Williams Co., et al., C.A. No. 2:01-3275
Crawford's Auto Center, Inc. v. E.I. DuPont de Nemours & Co., et al.,
C.A. No. 2:01-3437
Jacqueline Auto Body, Inc. v. PPG Industries, Inc., et al., C.A. No. 2:01-3470
Pasternacks Paint & Wallpaper Co., Inc. v. Sherwin-Williams Co., et al.,
C.A. No. 2:01-3650

Western District of Pennsylvania

Peter Sahagian v. PPG Industries, Inc., et al., C.A. No. 2:01-1159
Automotive Body & Tire Center, Inc. v. DuPont Performance Coatings, Inc., et al.,
C.A. No. 2:01-1173
Grant Park Garage, LLC v. PPG Industries, Inc., et al., C.A. No. 2:01-1183
Sid Kaprelian, et al. v. PPG Industries, Inc., et al., C.A. No. 2:01-1189
Affordable Auto Body Carstar, Inc. v. PPG Industries, Inc., et al.,
C.A. No. 2:01-1219
John Sahagian v. PPG Industries, Inc., et al., C.A. No. 2:01-1230
Anthony Koey v. PPG Industries, Inc., et al., C.A. No. 2:01-1231
Stephen Wilson v. PPG Industries, Inc., et al., C.A. No. 2:01-1232
Precise Autobody, Inc. v. PPG Industries, et al., C.A. No. 2:01-1271

MDL-1428 -- In re Ski Train Fire in Kaprun, Austria, on November 11, 2000

Motion of plaintiffs John S. Habblett, et al., Dr. Dick Baker, et al., and Rudolf Kern, et al., for centralization of the following actions in the United States District Court for the Southern District of New York:

Central District of California

John S. Habblett, et al. v. Waagner-Biro AG, C.A. No. 2:01-5815

District of Colorado

John S. Habblett, et al. v. Leitner Lifts USA Inc., et al., C.A. No. 1:01-1123

Middle District of Florida

John S. Habblett, et al. v. Swoboda Karosserie-und Stahlbau GmbH, et al.,
C.A. No. 8:01-1221

Southern District of New York

Rudolf Kern, et al. v. Leitner Lifts USA Inc., et al., C.A. No. 1:01-264
John S. Habblett, et al. v. Leitner Lifts USA Inc., et al., C.A. No. 1:01-266
Dr. Dick Baker, et al. v. Leitner Lifts USA Inc., et al., C.A. No. 1:01-817

MDL-1429 -- In re American General Life & Accident Insurance Co. Industrial Life Insurance Litigation

Motion of defendant American General Life & Accident Insurance Company for centralization of the following actions in the United States District Court for the Eastern District of Louisiana:

Southern District of Alabama

Katrina Rhodes v. American General Life & Accident Insurance Co., et al.,
C.A. No. 2:01-99

MDL-1429 (Continued)

Southern District of Florida

Edith C. Mack, et al. v. Independent Life & Accident Insurance Co., et al.,
C.A. No. 0:00-6718

Middle District of Georgia

Nadine Bridges v. American General Life & Accident Insurance Co.,
C.A. No. 1:01-80

Curtis Bridges v. American General Life & Accident Insurance Co.,
C.A. No. 1:01-81

Diane Bridges v. American General Life & Accident Insurance Co.,
C.A. No. 1:01-82

Charles Bridges, Jr. v. American General Life & Accident Insurance Co.,
C.A. No. 1:01-83

Charlie Bridges, Sr. v. American General Life & Accident Insurance Co.,
C.A. No. 1:01-84

Eastern District of Louisiana

Jeannette L. Smith v. American General Life & Accident Insurance Co.,
C.A. No. 2:00-2565

Southern District of Mississippi

Maude Graham, et al. v. American General Life & Accident Insurance Co., et al.,
C.A. No. 4:00-214

Thelma L. Gales v. American General Life & Accident Insurance Co., et al.,
C.A. No. 5:01-13

Cammie E. Hutcherson v. American General Life & Accident Insurance Co.,
C.A. No. 5:01-14

Hazel Doss, et al. v. American General Life & Accident Insurance Co., et al.,
C.A. No. 5:01-83

Middle District of Tennessee

John Earl Marshall, et al. v. American General Life & Accident Insurance Co., et al., C.A. No. 3:01-551

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs John R. Poynter, Sr., et al., Justin Shane Wooley, and Sylvia Ann Baden, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Eastern District of Louisiana

John R. Poynter, Sr., et al. v. Kaiser Aluminum & Chemical Corp., et al.,
C.A. No. 2:01-1824

Southern District of Mississippi

Justin Shane Wooley v. International Paper Co., et al., C.A. No. 1:01-237

Southern District of Texas

Sylvia Ann Baden, et al. v. BPU Reynolds, Inc., et al., C.A. No. 2:01-288

MDL-1091 -- In re Metropolitan Life Insurance Co. Sales Practices Litigation

Opposition of plaintiff Brazil Paternostro to transfer of the following action to the United States District Court for the Western District of Pennsylvania:

Eastern District of Louisiana

Brazil Paternostro v. Metropolitan Life Insurance Co., C.A. No. 2:01-1210

MDL-1105 -- In re New England Mutual Life Insurance Company Sales Practices Litigation

Opposition of plaintiff Homer C. Peden to transfer of the following action to the United States District Court for the District of Massachusetts:

Southern District of Mississippi

Homer C. Peden v. Fulton A. Jordan, Jr., et al., C.A. No. 3:01-319

MDL-1148 -- In re Latex Gloves Products Liability Litigation

Opposition of plaintiffs Charles Mills, et al., to transfer of the following action to the United States District Court for the Eastern District of Pennsylvania:

District of Massachusetts

Charles Mills, et al. v. Allegiance Healthcare Corp., et al., C.A. No. 1:01-10582

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation

Opposition of plaintiff Brenda J. Ellis to transfer of the following action to the United States District Court for the Eastern District of Pennsylvania:

Middle District of Alabama

Brenda J. Ellis v. American Home Products Corp., et al., C.A. No. 2:01-619

MDL-1291 -- In re Omeprazole Patent Litigation

Oppositions of defendants Andrx Pharmaceuticals Inc., Apotex Corporation, Apotex, Inc., and TorPharm, Inc., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Southern District of Florida

Aktiebolaget Hassle, et al. v. Andrx Pharmaceuticals, Inc., et al.,
C.A. No. 0:01-6749

Northern District of Illinois

Astrazeneca AB, et al. v. Apotex Corp., et al., C.A. No. 1:01-2796

MDL-1347 -- In re World War II Era Japanese Forced Labor Litigation

Opposition of plaintiffs Heung Bok Park, et al., and Syeong Kyoon Ahn, et al., to transfer of their respective following actions to the United States District Court for the Northern District of California:

Central District of California

Heung Bok Park, et al. v. Mitsubishi Heavy Industries, Ltd., et al.,
C.A. No. 2:01-4852
Syeong Kyoon Ahn, et al. v. Mitsui & Co., Ltd., et al., C.A. No. 2:01-5014

MDL-1348 -- In re Rezulin Products Liability Litigation

Oppositions of plaintiffs Golda Mullins, Dolares Adams, et al., Ulysiss Abadine, et al., Darlene Accardo, et al., Thelma Lee Whitley, Maria Callas, et al., Robert Williams, Aubrey Walter Roberts, et al., Patricia Furlough, Alicia Beaver, Caroline Johnson, and Helen Lopez, et al., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Eastern District of Kentucky

Golda Mullins v. Parke-Davis, et al., C.A. No. 7:01-135

Eastern District of Louisiana

Dolares Adams, et al. v. Parke-Davis, et al., C.A. No. 2:01-1230

Ulysiss Abadine, et al. v. Parke-Davis, et al., C.A. No. 2:01-1231

Darlene Accardo, et al. v. Parke-Davis, et al., C.A. No. 2:01-1234

Western District of Louisiana

Thelma Lee Whitley v. Warner-Lambert Co., et al., C.A. No. 1:01-689

Maria Callas, et al. v. Warner-Lambert Co., et al., C.A. No. 2:01-705

Robert Williams v. Warner-Lambert Co., et al., C.A. No. 3:01-690

Aubrey Walter Roberts, et al. v. Warner-Lambert Co., et al., C.A. No. 3:01-691

Patricia Furlough v. Warner-Lambert Co., et al., C.A. No. 3:01-704

Alicia Beaver v. Warner-Lambert Co., et al., C.A. No. 5:01-688

Caroline Johnson v. Warner-Lambert Co., et al., C.A. No. 5:01-708

District of New Mexico

Helen Lopez, et al. v. Pfizer, Inc., et al., C.A. No. 1:01-517

MDL-1355 -- In re Propulsid Products Liability Litigation

Opposition of plaintiffs Paul Carter, et al., to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

District of Maryland

Paul Carter, et al. v. Johnson & Johnson, et al., C.A. No. 1:01-1573

MDL-1373 -- In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation

Oppositions of plaintiffs and defendant Costco Warehouse Corporation to transfer of their respective following actions to the United States District Court for the Southern District of Indiana:

Eastern District of Arkansas

LaQuita Saunders, etc. v. Ford Motor Co., et al., C.A. No. 3:01-170

District of Arizona

Jeffrey Brownlee, et al. v. Bridgestone/Firestone, Inc., C.A. No. 2:00-1911
Steve Schroefe, et al. v. Bridgestone/Firestone, Inc., C.A. No. 2:00-1912

Central District of California

Marta Shugart, et al. v. Ford Motor Co., et al., C.A. No. 2:01-2451

Middle District of Florida

Bobbie Jo Profitt, etc. v. Bridgestone/Firestone, Inc., C.A. No. 8:01-1144

Eastern District of Louisiana

Jerry J. Sterling, Sr., et al. v. Bridgestone/Firestone, Inc., C.A. No. 2:01-1926

MDL-1373 (Continued)

Southern District of Mississippi

Edward Turnage, et al. v. Ford Motor Co., et al., C.A. No. 2:01-138

Daniel King, et al. v. Ford Motor Co., et al., C.A. No. 5:01-186

Southern District of New York

Miguel Garcia, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:01-4302

Eastern District of Texas

Aurelio Antonio Hernandez, et al. v. Ford Motor Co., et al., C.A. No. 1:01-402

Southern District of Texas

Dora Elia Escalera Toca, et al. v. Ford Motor Co., et al., C.A. No. 5:01-68

Gabriela Rodriguez, etc. v. Bridgestone/Firestone, Inc., et al., C.A. No. 7:01-67

District of Utah

Welles Cannon, etc. v. Ford Motor Co., et al., C.A. No. 2:01-384

MDL-1374 -- In re Assicurazioni Generali S.p.A. Holocaust Era Insurance Litigation

Opposition of plaintiff Felicia Spirer Haberfeld to transfer of the following action to the United States District Court for the Southern District of New York:

Central District of California

Felicia Spirer Haberfeld v. Assicurazioni Generali, S.p.A., C.A. No. 2:01-4685

MDL-1387 -- In re ProteGen Sling and Vesica System Products Liability Litigation

Motion of defendant Boston Scientific Corporation for reconsideration of the Panel's ruling denying transfer of the following action to the United States District Court for the District of Maryland:

Southern District of New York

Natalie Figueroa v. Boston Scientific Corp., C.A. No. 7:00-7922

MDL-1390 -- In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation

Oppositions of plaintiffs Betty Gray, et al., Emmaline Thomas, Mildred Gill, Lula Madison Lanier, et al., and Nellie Manning to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Middle District of Alabama

Betty Gray, et al. v. Life Insurance Co. of Georgia, C.A. No. 2:01-505

Emmaline Thomas v. Life Insurance Co. of Georgia, et al., C.A. No. 3:01-549

Northern District of Alabama

Mildred Gill v. Life Insurance Co. of Georgia, et al., C.A. No. 7:01-982

Lula Madison Lanier, et al. v. Life Insurance Co. of Georgia, et al.,

C.A. No. 7:01-1089

Nellie Manning v. Life Insurance Co. of Georgia, et al., C.A. No. 7:01-1190

MDL-1393 -- In re Cooper Tire & Rubber Co. Tires Products Liability Litigation

Opposition of plaintiff Carolann D. Brown to transfer of the following action to the United States District Court for the Southern District of Ohio:

District of Rhode Island

Carolann D. Brown v. Cooper Tire & Rubber Co., C.A. No. 1:01-4

MDL-1401 -- In re Inter-Op Hip Prosthesis Products Liability Litigation

Oppositions of plaintiffs Eleanor Smith, Everett R. Worth, Ruth Vivian Frencer, Robert W. Scott, et al., Rose A. Malone, Walter Baker, et al., and Lydia Scheuring to transfer of their respective following actions to the United States District Court for the Northern District of Ohio:

Central District of California

Eleanor Smith v. Sulzer Orthopedics, Inc., C.A. No. 2:01-2896

District of New Jersey

Everett R. Worth v. Sulzer Orthopedics, Inc., et al., C.A. No. 2:01-1200

Ruth Vivian Frencer v. Sulzer Orthopedics, Inc., et al., C.A. No. 2:01-1201

Robert W. Scott, et al. v. Sulzer Orthopedics, Inc., et al., C.A. No. 2:01-1979

Rose A. Malone v. Sulzer Orthopedics, Inc., et al., C.A. No. 2:01-1980

Walter Baker, et al. v. Sulzer Orthopedics, Inc., et al., C.A. No. 2:01-1981

Western District of Oklahoma

Lydia Scheuring v. Sulzer Orthopedics, Inc., C.A. No. 5:01-440

ATTACHMENT A

MDL-997 -- In re Brand-Name Prescription Drugs Antitrust Litigation

Northern District of Illinois

Ladas Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-7431 (ALS, C.A. No. 1:94-394)
Yesterday's Pharmacy, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-7329 (ALS, C.A. No. 1:95-262)
Kelly Namour, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-5689 (ARE, C.A. No. 1:95-23)
Kelly Namour, et al. v. Abbott Laboratories, et al., C.A. No. 1:94-2899 (ARE, C.A. No. 4:94-139)
Joe McCutcheon's Health Services, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-158 (ARE, C.A. No. 4:94-728)
Lawrence Adams, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2805 (ARE, C.A. No. 4:95-153)
Jones Drug Co., Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-4812 (AZ, C.A. No. 4:95-189)
Paradise Drugs Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-1001 (CAN, C.A. No. 5:94-20819)
Bob's Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2617 (CAN, C.A. No. 5:95-20105)
Medical Building Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3298
(CO, C.A. No. 1:95-746)
Allard's Bell Park Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2582
(CT, C.A. No. 3:94-1995)
A.P.R. Drug, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3333 (CT, C.A. No. 3:95-551)
Edgehill Drugs, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-5413 (DE, C.A. No. 1:95-195)
Ossi's Apothecary, Inc. v. Abbott Laboratories, et al., C.A. No. 1:96-1150 (FLM, C.A. No. 3:95-1031)
Bobo's Drugs, Inc., et al. v. American Home Products Corp., et al., C.A. No. 1:94-5449 (FLM, C.A. No. 6:94-726)
Mims Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-7586 (FLM, C.A. No. 6:94-1088)
Mims Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1: 95-3266 (FLM,, C.A. No. 6:95-336)
Chipley Drugs, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-3263 (FLN, C.A. No. 5:94-50354)
Ace Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-1667 (GAS, C.A. No. 5:94-6)

Anthony B. Meadows, et al. v. Abbott Laboratories, et al., 1:95-37 (GAS,
C.A. No. 5:94-85)

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Ace Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2934 (GAS,
C.A. No. 5:95-24)

Adams Drug Store, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2932 (GAS,
C.A. No. 5:95-31)

Thompson Dean Drug, Inc., et al. v. Abbott Laboratories, Inc., et al., C.A. No. 1:96-6963
(IAN, C.A. No. 5:95-4012)

Alexander Drug Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-159 (ID,
C.A. No. 1:94-462)

Ronald Baker, et al. v. Abbott Laboratories, et al., C.A. No. 1: 95-1874 (ID,
C.A. No. 1:95-58)

Broadway Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1: 95-3242 (ID,
C.A. No. 1:95-154)

Chastains, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1: 95-1873 (ID,
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Austin Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1: 95-751 (INS,
C.A. No. 1:94-1966)

Butt Rexall Drugs, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1: 95-2923 (INS,
C.A. No. 1:95-412)

Agler Drug Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-482 (KS,
C.A. No. 5:94-4194)

Bill Bond Pharmacies, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-520 (KS,
C.A. No. 5:94-4233)

F&M Drug Co., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-1506 (KS,
C.A. No. 5:94-4256)

Byrne's Pharmacy, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3241 (KS,
C.A. No. 5:95-4046)

Arderly Drug, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-7752 (KYE,
C.A. No. 3:94-76)

Arthur G. Jacob, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2712 (KYE,
C.A. No. 3:95-32)

Anderson County Discount Pharmacy, Inc., et al. v. Abbott Laboratories, et al.,
C.A. No. 1:95-3553 (KYE, C.A. No. 3:95-41)

Anward J. Mayeaux, et al. v. Abbott Laboratories, et al., C.A. No. 1:94-1666 (LAE,
C.A. No. 2:94-242)

AcKal's Iberia Pharmacy, et al. v. Abbott Laboratories, et al., C.A. No. 1:94-7375 (LAE,
C.A. No. 2:94-3349)

Miller Drugs, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-876 (LAE,
C.A. No. 2:94-4152)

Advance Drug, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3096 (LAE,

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Anward J. Mayeaux, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2895 (LAE, C.A. No. 2:95-1052)
Austin Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3025 (MD, C.A. No. 1:95-940)
Baars Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-1416 (MIE, C.A. No. 2:95-70115)
Bath Pharmacy, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3090 (MIE, C.A. No. 2:95-71281)
Rockport Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-643 (MOE, C.A. No. 4:94-1471)
Rockport Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-6001 (MOE, C.A. No. 4:95-564)
Sunshine & Shadow Enterprises, Inc., et al. v. American Home Products Corp., et al., C.A. No. 1:95-5414 (MOE, C.A. No. 4:95-1078)
Diket's Professional Drugs, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-1365 (MSS, C.A. No. 1:94-569)
Bergum Drug, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2971 (MT, C.A. No. 6:95-19)
RX Center, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-7816 (NCE, C.A. No. 5:94-807)
Rhoden Enterprises, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2896 (NCE, C.A. No. 5:95-268)
Eugene D. Rivard, Partners, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-6994 (NH, C.A. No. 1:95-151)
Clinical Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2854 (NM, C.A. No. 1:95-276)
Albin L. Kaiser, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-5634 (NV, C.A. No. 3:95-163)
Drug Mart Pharmacy Corp., et al. v. American Home Products Corp., et al., C.A. No. 1:94-1206 (NYE, C.A. No. 1:93-5148)
Marine Park Pharmacy & Surgical, Inc., et al. v. Abbott Laboratories, Inc., et al., C.A. No. 1:95-2197 (NYE, C.A. No. 1:94-5008)
Bi-Wise Pharmacy, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-1866 (NYE, C.A. No. 1:95-402)
Phar-Mor, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2855 (NYE, C.A. No. 1:95-1261)
Drug Mart Pharmacy Corp., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3142 (NYE, C.A. No. 1:95-1292)

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Lowen's Drug Store, et al. v. Abbott Laboratories, et al., C.A. No. 1:97-3201 (NYE, C.A. No. 1:97-100)

Friendly Pharmacy v. American Home Products Corp., et al., C.A. No. 1:94-2355 (NYS, C.A. No. 1:93-8271)

Allen's Pharmacy, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-481 (OHN, C.A. No. 1:94-2151)

Bay View Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3339 (OHN, C.A. No. 1:95-752)

Marc Glassman, Inc. v. Abbott Laboratories, et al., C.A. No. 1:95-2808 (OHN, C.A. No. 1:95-761)

B.K. Drugs, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3338 (OHN, C.A. No. 1:95-762)

Al Tell Pharmacy & Gift Shoppe, Inc. v. Abbott Laboratories, Inc., et al., C.A. No. 1:95-1668 (OHN, C.A. No. 4:94-2665)

Reaman Shawnee Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-7328 (OHN, C.A. No. 5:95-2131)

Tiger Drug Co., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-662 (OKE, C.A. No. 6:94-578)

Thomas R. Barnett, R.Ph., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2857 (OKE, C.A. No. 6:95-152)

Beaverton Pharmacy Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-1571 (OR, C.A. No. 3:94-1526)

South Salem Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2696 (OR, C.A. No. 3:95-400)

2401 E. York St., Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-7272 (PAM, C.A. No. 1:94-1694)

RX USA, Inc. v. Abbott Laboratories, et al., C.A. No. C.A. No. 1:94-7034 (PAM, C.A. No. 3:94-1497)

Andrew Brown's Drug Store, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2925 (PAM, C.A. No. 3:95-485)

Hook-Superx, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2924 (PAM, C.A. No. 3:95-498)

Rite Aid Corp., et al. v. American Home Products Corp., et al., C.A. No. 1:94-1200 (PAM, C.A. No. 4:93-1580)

Savitz Drug Store, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-2651 (SC, C.A. No. 2:94-179)

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Clinkscales Drugs, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-375 (SC, C.A. No. 2:94-2798)

Savitz Drug Store, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3215 (SC, C.A. No. 2:95-869)

Black's Drug Store, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3214 (SC, C.A. No. 2:95-870)

Assam Drug Co., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2682 (SD, C.A. No. 3:95-3008)

B&L, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3033 (SD, C.A. No. 3:95-3011)

B-Z Inc., et al. v. Abbott Laboratories, Inc., et al., C.A. No. 1:95-1266 (TNM, C.A. No. 3:94-909)

Cherokee Pharmacy & Medical Supply, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-4274 (TNM, C.A. No. 3:95-304)

Malley's Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-2650 (TXE, C.A. No. 1:94-97)

Brookshire Brothers, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-95-3032 (TXE, C.A. No. 1:95-129)

Pharmhouse Corp., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3141 (TXE, C.A. No. 1:95-175)

F&M Distributors, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-4776 (TXE, C.A. No. 1:95-264)

Sunny Chin, et al. v. Abbott Laboratories, et al., C.A. No. 1:94-1142 (TXS, C.A. No. 3:93-775)

Mainland Pharmacy, Inc. v. Abbott Laboratories, et al., C.A. No. 1:94-2649 (TXS, C.A. No. 3:94-76)

Tarpley & Smith Drugs, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-6249 (TXS, C.A. No. 3:94-704)

Sunny Chin, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2711 (TXS, C.A. No. 3:95-167)

Mainland Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2714 (TXS, C.A. No. 3:95-168)

H&Z Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-547 (TXS, C.A. No. 3:95-547)

Randall's Food & Drug Inc. v. Abbott Laboratories, et al., C.A. No. 1:94-6416 (TXS, C.A. No. 4:94-2866)

BTP Ace Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-87 (TXS, C.A. No. 4:94-3546)

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Randall's Food & Drugs, Inc. v. Abbott Laboratories, et al., C.A. No. 1:95-3265 (TXS, C.A. No. 4:95-974)
Apothecary & Escondido Surgical Supply, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-3026 (TXS, C.A. No. 4:95-976)
HP Ace, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:94-2104 (TXW, C.A. No. 1:94-29)
HP Ace, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2783 (TXW, C.A. No. 1:95-182)
Alexandria Medicare Supply Co., Inc., et al. v. American Home Products Corp., et al., C.A. No. 1:94-6394 (VAE, C.A. No. 3:94-638)
Albost, Inc. v. Abbott Laboratories, et al., C.A. No. 1:95-740 (VAE, C.A. No. 3:94-879)
Marshall Pharmacies, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2931 (VAE, C.A. No. 3:95-240)
Mutual Drug, Inc. et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2935 (VAE, C.A. No. 3:95-250)
4 W's, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-796 (WAW, C.A. No. 2:94-1767)
Bates Drug Stores, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2937 (WAW, C.A. No. 2:95-473)
Berkeley Springs Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-679 (WVS, C.A. No. 2:94-1040)
Family Discount Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2849 (WVS, C.A. No. 2:95-191)
Berkeley Springs Pharmacy, Inc., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2851 (WVS, C.A. No. 2:95-241)
AJM Corp., et al. v. Abbott Laboratories, et al., C.A. No. 1:95-435 (WY, C.A. No. 1:94-1051)
Corner Drug, et al. v. Abbott Laboratories, et al., C.A. No. 1:95-2921 (WY, C.A. No. 1:95-1018)

PROCEDURES FOR ORAL ARGUMENT BEFORE THE
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re "East of the Rockies" Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned “Reasons Why Oral Argument Should [Need Not] Be Heard,” and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party’s position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.